IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 4900 of 2005

Between:

1 Mekapati Linga Reddy, S/o.Chinna Reddy,
R/o.Kaluvoya village and Mandal, Nellore District.
2 Mekapati Subba Reddy, S/o.Narasa Reddy,
R/o.Kaluvoya village and Mandal, Nellore District.
3 Kakivai Eswar Reddy, S/o.Yanadi Reddy,
R/o.Kaluvoya village and Mandal, Nellore District.
4 Kakivai Sankara Reddy, S/o.Yanadi Reddy,
R/o.Kaluvoya village and Mandal, Nellore District.

..... PETITIONERS

AND

1 The District Collector, Nellore, Nellore Dist.
2 The Revenue Divisional officer, Nellore, Nellore District.
3 The Mandal Revenue officer, Kaluvoya village and Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the 3rd respondent in resuming the lands belongs to the petitioners without conducting any enquiry and without giving any reasonable opportunity is arbitrary, unreasonable and in violation of the principles of Natural Justice and accordingly set aside the orders of the 3rd respondent in Rc.B.No.731/2004, dated 17-09-2004 and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners land to an extent of Ac.2.22 cents situated in sy.No.333/2-4 of Telugurayapuram village, kaluvoya Mandal, Nellore District and to pass such other and further orders as this Hon'ble court may deems fit and proper.

Counsel for the Petitioner:MR.G.TUHIN KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioners purchased an extent of Ac.2.22 cents of land in Survey No.333/2-4 of Telugurayapuram Vilage, Kaluvoya Mandal, Nellore District. They were issued show cause notice, dated 27.07.2004, by the 3rd respondent under the provisions of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). The petitioners submitted their explanation on 20.08.2004. On a consideration of the same, the 3rd respondent passed an order, dated 17.09.2004, directing resumption of the land to the Government. The petitioners challenge the same.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Though several contentions are urged on behalf of the petitioners touching on the merits of the matter, this Court is not inclined to consider the same at this stage. The Act provides for regular appeal to the Revenue Divisional Officer, the 2nd respondent. The appellate authority would be in a better position to examine the matter with reference to the records and submissions made by the petitioners.

Hence, the writ petition is disposed of, leaving it open to the petitioners to work out their remedies in the appeal. If the appeal is presented within four weeks from today, it shall be entertained by the 2nd respondent, as having been filed within the period of limitation. Status quo obtaining as on today shall be maintained for a period of four weeks and it shall be open to the petitioners to seek appropriate interim orders before the 2nd respondent. There shall be no order as to costs.

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11.03.2005

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To

1 The District Collector, Nellore, Nellore Dist.
2 The Revenue Divisional officer, Nellore, Nellore District.
3 The Mandal Revenue officer, Kaluvoya village and Mandal,

Nellore District.

4 2 CCs to the G.P. for Revenue, High Court Buildings,

Hyderabad. (OUT)

5 2 CD copies.